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EXAMINER

CHANG, VICTOR S

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1794

NOTE

1. The after Final amendment to the specification filed 2/8/2010 to state “The free volume in the web may be 40% to 80%, preferably 60% to 70%” has been entered. Applicants corrected pointed out that support can be found in claim 10 of original filing.

2. Applicants argue that the limitation “a free volume of more than 60%”, added in a previous amendment filed 9/21/2009, is supported by the amended specification as set forth above. However, the free volume recitation in claim 1 is not directed to the **web**, rather the limitation recites “said **foam-structure** having a free volume of more than 60%”. Further, even if the intended structure is web, the added limitation lacks upper limit, and is therefore broader than the provided support. As such, the new matter rejection under 112, 1st paragraph is maintained.

3. Applicants argue at Remarks page 3:

“the only disclosure in Cox is in the claims wherein claim 2 represents the free volume of the web is less than 60% and claim 7 represents that the free volume in the web is at most 60%. This is a teaching by Cox away from Applicant's disclosure of free volume being 60 to 70% and as claimed "more than 60%" and, in addition is a teaching that is not enabled by Cox, as it is not discussed in the specification. As a result Applicant believes that the claims currently on file should be patentable.”

However, as set forth above, applicants' argument is misdirected to the **web**, whereas the recited limitation clearly relates to the **foam structure**. Further, even if the free volume of web is considered, while Cox teaches that the free volume available to resin filling is less than 60%, Cox also teaches that the remaining free volume is occupied by the foam structure. See paragraph [0015]. In other words, the total free volume of Cox's web is greater than 60%.

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